

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

A.J. JAMES, et al.,)	
)	
Plaintiffs,)	
)	
-vs-)	Case No. CIV-19-646-F
)	
BEREXCO LLC, et al.,)	
)	
Defendants.)	

ORDER


The court is in receipt of International Energy Corporation's Notice of Bankruptcy, filed July 19, 2019 (doc. no. 18). The notice advises that a voluntary petition for chapter 11 bankruptcy was filed for International Energy Corporation on June 3, 2019. The bankruptcy case is pending in the United States Bankruptcy Court for the Northern District of Oklahoma, Case No. 19-bk-11142.

The record before the court also reflects that a Notice of Bankruptcy was filed as to White Star Petroleum, LLC. Ex. 8 to doc. no. 1. The notice advises that an involuntary petition for chapter 11 bankruptcy was filed against White Star Petroleum, LLC, on May 24, 2019. The bankruptcy case is pending in the United States Bankruptcy Court for the Western District of Oklahoma, Case No. 19-12145. The notice also advises that a voluntary petition for chapter 11 bankruptcy was filed by White Star Petroleum, LLC in the United States Bankruptcy Court for the District of Delaware, Case No. 19-11182-BLS, on May 28, 2019.

Plaintiffs' action against defendants, International Energy Corporation and White Star Petroleum, LLC, is therefore stayed pursuant to 11 U.S.C. § 362.

While section 362 of Title 11 extends the stay provisions of the Bankruptcy Code to the “debtor,” the rule followed in the Tenth Circuit and by the majority of other circuit courts is that the stay provision does not extend to the debtor’s co-defendants. *See, Fortier v. Dona Anna Plaza Partners*, 747 F.2d 1324, 1330 (10th Cir. 1984). A narrow exception to this rule has been recognized, *see, A.H. Robins Co., Inc. v. Piccinin*, 788 F.2d 994, 999 (4th Cir.), *cert. denied*, 479 U.S. 876 (1986), but there is no indication in the notice that the remaining defendants would fall within the exception. Therefore, until otherwise notified, plaintiffs’ action continues as against the remaining defendants.

IT IS SO ORDERED this 26th day of July, 2019.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE